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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,727	01/22/2001	Paul Foster	21300.105003	1307
20786	7590	04/05/2006	EXAMINER	
KING & SPALDING LLP			HAMILTON, LALITA M	
1180 PEACHTREE STREET			ART UNIT	
ATLANTA, GA 30309			PAPER NUMBER	

3624

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/766,727	Applicant(s) FOSTER ET AL.	
	Examiner Lalita M. Hamilton	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 17, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,10,11,15-25 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,10,11,15-25 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3624

DETAILED ACTION

Summary

On August 29, 2005, an Office Action was sent to the Applicant rejecting claims 1-3, 6, 10, 11, and 15-31. On January 17, 2006, the Applicant responded by amending claims 1, 3, 6, 10, 11, 17-20, and 27-29 and canceling claim 26.

Oath/Declaration

The Objection has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 6, 10, 11, 15-19, 21-25, 27-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Greenlee (2001/0037273) in view of Cheetham (6,115,694), as set forth in the previous Office Action.

With regard to the claim amendments, Greenlee further discloses that the provider maintains the database (p.3, 40 and p.7, 70—may be a property engineering specialist or property appraisal specialist); identifying a matching owner property from one of the owner real estate properties (p.5, 52-56); selecting a site visit agent based on stored information, to perform an on-site property review and analysis of the matching owner property by performing one or more of the activities selected from the group comprising showing the matching owner property, suggesting configuration alternatives, and estimating build-out costs (p.6, 60-61); publishing the created lease agreement for review by the tenant and owner, allowing the tenant and owner to revise the lease agreement via the distributed computer network, and allowing the tenant and owner to execute the lease agreement via the distributed computer network (p.6, 65-67); and allowing the tenant to make an offer via the network to lease the matching owner property to accept the offer via the distributed computer network, and allowing the tenant and owner to modify the offer via the network (p.5, 57 to p.6, 60).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenlee and Cheetham as applied to claim 2 above, and in further view of Raveis (6,321,202).

With regard to the claim amendment, Greenlee discloses and Cheetham teaches the invention substantially as claimed; however, neither Greenlee nor Cheetham discloses or teaches the client computers further comprising a call center client computer operable by a call center agent, and wherein the tenant can select a user operating another one of the client computers by contacting the call center agent.

Art Unit: 3624

Raevis teaches a method and corresponding system for managing transactions related to real estate comprising a call center functioning to assist real estate professionals to provide customers with full access to information and services (col.2, lines 19-30; col.3, lines 15-27; and col.11, lines 45-65 ---Examiner interpreting this to be a call center client computer operable by a call center agent, and wherein the tenant can select a user operating another one of the client computers by contacting the call center agent). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate call center client computer operable by a call center agent, and wherein the tenant can select a user operating another one of the client computers by contacting the call center agent, as taught by Raveis into the invention disclosed by Greenlee and taught by Cheetham, to additionally provide customers with full access to all information and services during the leasing process.

Response to Arguments

Applicant's arguments filed January 17, 2006 have been fully considered but they are not persuasive.

Argument: Neither Greenlee nor Cheetham disclose or teach populating a lease agreement based on, and in response to, receiving predetermined information about selected real estate property or presenting the populated lease agreement and comparables data in response to receiving the predetermined information about the selected real estate property.

Response: Greenlee clearly discloses populating a lease agreement based on, and in response to, receiving predetermined information about selected real estate

Art Unit: 3624

property (p.5, 52 to p.6, 67—user goes through process of answering questions pertaining to what type of property is being sought; based on information inputted by user, matching properties are viewed by user; user selects properties to submit RFP to property provider for negotiations; property is toured; and lease agreement is negotiated). The Examiner stated on p.5 of the previous Office Action that Greenlee did not disclose the use of comparables. The use of comparables in the real estate industry is well known and practiced in order to assess the value a property, whether renting or purchasing. Cheetham teaches a method and corresponding system for validating real estate prices comprising the use of comparables. Thus, the Examiner found it to have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Cheetham with Greenlee as a teaching of the use of comparables in the real estate transaction.

Argument: The Examiner did not respond to the Applicants' claim amendments presented in response to the non-final office action dated February 9, 2005.

Response: The Examiner strongly disagrees with the Applicant. The first office action was a 102 rejection on claims 1-14 based on Greenlee. In response to the claim amendments and the additional claims added in the response dated February 9, 2005, the Examiner changed the rejection to a 103 rejection based on Greenlee in view of Cheetham and further discussed all additional claim limitations (reference p.3-5 of Office action dated August 29, 2005). Therefore, the Examiner is considering this argument to be moot.

Argument: The lease documents are not provided in the system of Greenlee.

Response: Greenlee states that the lease documents may either be already contained in OR posted to the collaboration database. Therefore, the Examiner is interpreting Greenlee as reading onto the invention substantially as claimed.

Argument: Greenlee fails to disclose a site visit agent within the context of a commercial lease transaction.

Response: Greenlee discloses that the parties to the real estate lease transaction include tenants, brokers, landlords, leasing agents, asset managers, and all other related parties (p.1, 7). The duties of a landlord, leasing agent, and additional parties are not limited. Greenlee discloses that notifications are automatically sent to the property representatives whose properties have been selected and building tours of the potential properties are performed (p.6, 60-61). The building tours can be performed by the property representative or related party acting as a site visit agent (as discussed by Applicant on p.5 of the remarks, "a site visit agent can visit a building or space of interest with an owner or purchaser and offer her expertise about the visit site.."). Therefore, the Examiner is interpreting Greenlee as reading onto the invention substantially as claimed.

Argument: Greenlee does not disclose storing information for site visit agents and selecting one of the site visit agents to perform an on-site property review and analysis by performing one of more activities from the group comprising: showing the matching owner property, suggesting configuration alternatives, and estimating build-out costs.

Response: Greenlee discloses that the parties to the real estate lease transaction include tenants, brokers, landlords, leasing agents, asset managers, and all other related parties (p.1, 7). The duties of a landlord, leasing agent, and additional parties are not limited. Greenlee discloses that notifications are automatically sent to the property representatives whose properties have been selected and building tours of the potential properties are performed (p.6, 60-61). In order for the notification to be sent to the "site visit agent", the "site visit agent's" information must have been previously stored in the database, along with all other pertinent information relating to the property. Therefore, the Examiner is interpreting Greenlee as reading onto the invention substantially as claimed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

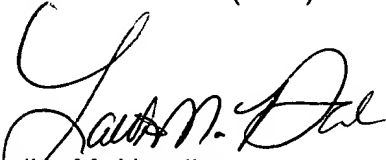
Art Unit: 3624

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lalita M. Hamilton
Primary Examiner, AU 3624